

EXHIBIT A

~~For The United States District Court~~
For The District of Delaware

JAMES HALL

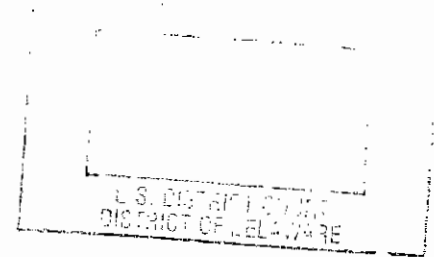
Plaintiff

v.

DAVID HOLMAN, LAWRENCE MCGUIRE,
CLYDE D. SAGNIS

Defendants

Case No: # 04-1328-GMS



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Request for Admissions

Pursuant to Rule 36, Fed. Rules of Civil Procedure, Plaintiff Request the Defendants to make the following admissions within 30 days after the service of this Request.

It is routine and established practice at Delaware Correctional Center

1) Request for Reassignment to a specific cell, Tier, Building, or with specific cellmate is Disapproved.

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2) That prison officials investigate "to conclusion" each allegation of violence or threat of violence in a reasonably reasonable time frame at Delaware Correctional Center.

3) Emergency Medical Examiners, (hereafter E.M.G.) require the warden or the warden designee to Review for Determination and action if any within 24 hrs all E.M.G. filed by inmates

There is a policy, whether formal or informal that permits the medical care provider
4) to Review E.M.G. however, absent follow-up or supervision from the warden or prison staff in continuation of E.M.G. rule at Item #3

5) The purpose of an E.M.G. is to inform staff and medical care provider of an Emergency medical condition that requires immediate medical attention.

Despite Defendants being on notice of Plaintiff's serious medical condition (i.e., Diabetic
6) Right Hand). filing an E.M.G. on Feb 1, 2004 The policy at #3 They recklessly disregarded Plaintiff's condition

7) Defendant took no action to Review E.M.G. for any Determination of seriousness of ailment.

8) Defendants Clyde Sagers, David Holman, Lawrence McGowan knew that Plaintiff faced a substantial risk of harm and disregarded that risk by failing to take reasonable measures to abate it.

Defendants David Holman E.T.A.L. collectively, knew deliberate indifference to substantial risk of serious harm to an inmate amounts to cruel and unusual punishment in violation of The Eighth Amendment to The United States Constitution.

Plaintiff submitted a reasonable request to be moved laterally within the same security level. The request was lawful, not improperly motivated and not unreasonably burdensome or expensive. Defendant's disregarded the request and plaintiff was attacked and suffered the loss of a tooth as a result of not being relocated laterally within the same security level.

Defendant David Holman, Clyde Sagers, Lawrence McGowan, Defendant's intentionally ignored and failed to respond to a particular known threat to plaintiff. This failure to respond to substantial risk of serious harm and plaintiff has suffered unnecessarily due to Defendant's deliberate indifference.

Defendants David Holman E.T.A.L. were required to take reasonable measures to guarantee the safety of inmates.

10) Defendant David Holman E.T.A.L., Defendant's conduct or lack of conduct demonstrates a knowing indifference to a substantial risk of serious harm to plaintiff.

13) Defendant's were aware of this objectively intolerable risk of harm and subjectively disregarded it.

- Defendants, David Holman, Clarence Holman, et al. knew the Subj. was
 14) deprivation was sufficiently serious and was acted with deliberate indifference to inmate health and safety in violation of the Eighth Amendment to the U.S. Constitution.
- 15) The Defendants collectively bore an affirmative obligation to provide protection from assault by other inmates but failed to do so.
- 16) Plaintiff submitted numerous request over a period of four, five 4-5, months to be more compatible within the same security level to another cell Defendant failure to respond reasonably was resulted in permanent injury to Plaintiff.
- 17) Random Assignment of inmates is cruel and unusual punishment in violation of Plaintiff clearly established rights under the 8-14 amendments.
- 18) Prison officials David Holman, et al. were deliberate indifferent to risk of violence arising from random cell assignments.
- 19) Defendant David Holman, et al. failure to use available classification information to determine inmate compatibility amounts to failure to protect in violation of Eighth Amend. and violates plaintiff's clearly established rights.

The Department of Corrections prison officials are not forced to house its prisoners two
 20) men to a cell. Said housing plaintiff in this manner in a double cell approx 74 square is unconstitutional and amounts to cruel and unusual punishment in violation of the Eighth Amendment.

21) These cells approximately 7' square feet or less in size, in the maximum housing unit (max) were intended to house only one inmate

Defendant David Fleman, et al were deliberately indifferent to plaintiff
 22) in their failure to protect in that they failed to utilize any screening or a medical of assessment of personal risk factors such as potential for suicide, propensity for violence victim potential etc. Defendant failed to protect competency of inmates


The only exception occurs if inmate identifies another inmate with whom he has
 23) a serious problem and then the potential victim is either forced to sign himself out protective custody, a more restrictive or punitive housing assignment or forced to remain within the double celling with the hostile inmate and to take matters into his own hands by any means necessary

The guards in the control centers can't see into the cells cell doors are solid, with
 24) a small narrow window and two small vents. There is no inter-cell monitoring, intercom system. The intercoms in the Day Room. The speaker and receiver for this system do not work and are outside the cells. Requesting Inmate to shout through the cells in order to attempt to get the attention of the guard on duty which is fruitless because guards are located completely off the tiers in the hallway or an isolated enclosed concrete Bulb.

- 25) Defendants David Holman, et al, Acknowledge that the (prisoner) is an increasingly violent place with numerous assaults, Aggravated assaults, Fights and threatened beatings. Holman
- Defendants David Holman, et al, admit, many acts of violence at the (prisoner) go unreported and undocumented for these reasons 1) if inmate reports violence by another inmate. Inmate do not want to be labeled as snitches, and they often do not report violence 2) if an inmate reports violence in which one is involved, both he, and the other inmate will receive misconduct reports and will be disciplined and transferred from current (Maximum Housing Unit) to (SHU): Secured Housing Unit. (Segregation of the Highest Level of Supervision)
- 3) if an Inmate reports a violent incident, but there is neither a witness nor physical evidence of an assault (bite, bleeding cuts, abrasions,) if the reported violence, neither inmate is disciplined, leaving the victimized inmate labeled as a snitch creating a really substantial risk of further attempts on the victims safety
- 27) The Defendant David Holman et al, knew that the plaintiff faced a pervasive risk of harm Defendants David Holman, Lawrence McGowan, Clyde Sagers, were also aware that plaintiff had a broken hand at all times relevant to these claims: and were deliberately indifferent to plaintiff's medical condition. By recklessly disregarding plaintiff condition and failing to protect him from violence and threatened violence from cellmate
- 28) The Defendant David Holman, et al, subjected plaintiff to violent assaults and acknowledge it is not part of the penalty that criminal offender should pay for their offences against society plaintiff has demonstrated that he is incarcerated under conditions posing a substantial risk of serious harm as noted. Plaintiff suffered from a broken right hand and was liberty defenseless and defendants were aware of this fact and yet despite their knowledge they disregarded the excessive risk to plaintiff health and safety. Thus plaintiff has suffered the unnecessary and random infliction of pain in violation of the Equal Amendment.

Plaintiff. James Hall, does hereby swear and certify
under penalty of perjury that the instant request for admissions
is lawful, not improperly motivated and not unduly burdensome
or expensive.

Plaintiff seeks pleading leniency under *Proctor v. South*
Easter Plains, Texas Automobiles, 785 F.2d 651, 3 (3rd Cir 1986) and *Hunter v.*
Kerner, 404 U.S. 519 (1972) as a pro se incarcerated litigant and friend
of the court.


James Hall, Pro Se 167581
1181 Paddock Rd S.W. - D.C.C.

This 26 day of October, 05

Certificate of Service

I, James Hall, hereby certify that I have served a true
and correct cop(ies) of the attached: (2) Request for Admissions
_____ upon the following
parties/person (s):

TO: CSP Barchi
Deputy Attorney General
820 N. French Street 6th Floor
Wilmington 124 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 26 day of October, 2005

James Hall